

27867. Misbranding of cocktail mixer. U. S. v. 35 Jugs of Cocktail Mixer. Default decree of condemnation and destruction. (F. & D. No. 40152. Sample No. 37547-C.)

This product was labeled to indicate that it was a fruitade base, whereas it consisted of an artificially colored citric-acid solution flavored with citrus oil and it contained little or no lemon juice.

On August 18, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 gallon jugs of cocktail mixer at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about August 9, 1937, by the Tavern Fruit Juice Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cardo Brand Cocktail Mixer Lemon Flavored Contains Fruit Juice, Fruit Acid, Flavor * * * Bottled exclusively for J. Cardillo & Sons Paterson, N. J."

It was alleged to be misbranded in that the name "Cocktail Mixer Lemon" prominently displayed and the statement "Contains Fruit Juice" were false and misleading and tended to deceive and mislead the purchaser when applied to an imitation lemon juice containing little or no lemon or other fruit juice; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, lemon juice.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27868. Misbranding of canned tomatoes. U. S. v. 98 Cases of Tomatoes. Decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40160. Sample No. 43677-C.)

This product fell below the standard established by this Department because it was not normally colored, and it was not labeled to indicate that it was substandard.

On or about August 21, 1937, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 cases of tomatoes at Savannah, Ga., alleging that they had been shipped in interstate commerce on or about July 16, 1937, by the Polk Cannery from Beaufort, S. C., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Island Brand Tomatoes * * * The Polk Cannery Beaufort, S. C."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food in that it was not normally colored, and its package or label did not bear a plain and conspicuous statement prescribed by regulations of this Department indicating that it fell below such standard.

On September 30, 1937, N. M. Polk, trading as the Polk Cannery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27869. Misbranding of butter. U. S. v. 40 Cases of Butter. Consent decree of condemnation. Product released under bond to be repacked. (F. & D. No. 40179. Sample No. 39401-C.)

This product was short of the declared weight.

On July 29, 1937, the United States attorney for the District of Hawaii, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases of butter at Honolulu, Hawaii, consigned by Golden State Co., Ltd., alleging that the article had been shipped from San Francisco, Calif., on or about July 22, 1937, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cartons) "Net Weight 1 lb. Jersey Farm Dairy Company * * * Butter Distributed by Argonaut Milk Co. San Francisco."

It was alleged to be misbranded in that the statement "Net Weight 1 lb." was false and misleading and tended to deceive and mislead the purchaser since the cartons contained less than 1 pound; and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 30, 1937, C. Q. Yee Hop & Co., Ltd., Honolulu, Hawaii, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked to the declared weight.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27870. Adulteration of butter. U. S. v. 52 Tubs of Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40180. Sample No. 39501-C.)

This product contained less than 80 percent of milk fat.

On August 11, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 25, 1937, by Miles Friedman, Inc., from Slater, Iowa, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On or about August 19, 1937, Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27871. Adulteration and misbranding of butter. U. S. v. 14 Cases of Armour's Cloverbloom Butter. Decree of condemnation. Product released under bond. (F. & D. No. 40181. Sample No. 53404-C.)

This product contained less than 80 percent of milk fat.

On August 11, 1937, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 cases of butter at Monroe, La., alleging that the article had been shipped in interstate commerce on or about July 15 and July 22, 1937, by the A. T. Crouch Creamery Co. from Bloomer, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Armour's Cloverbloom Butter * * * Armour Creameries Chicago * * * Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On August 25, 1937, the A. T. Crouch Creamery Co., Charleston, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27872. Adulteration and misbranding of fruit drinks and fruit sirups. U. S. v. 67 Bottles of Orange Fruit Drink, et al. Default decree of condemnation and destruction. (F. & D. No. 40182. Sample Nos. 38513-C to 38520-C, incl.)

These products were labeled to convey the impression that they were fruitade bases, whereas they were mixtures of acid solutions, gums, artificial color, and artificial flavor or citrus-oil flavor containing little or no fruit juices.

On August 25, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 223 bottles of fruit drinks and fruit sirups at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about July 30, 1937, by the Everbest Products Co. from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The orange, lemon, and pineapple types were labeled in part: "Torry's True Fruit Home Party Drink Orange [or "Lemon", or "Pineapple"] * * * Cont. Fruit Acid—U. S. certified food color.": The remaining products were labeled in part: "Torry's Home Party Drink Pure Fruit Raspberry [or "Strawberry," "Lime," "Cherry," or "Grape"] Flavored Syrup"; (raspberry type) "Food Color Added"; (strawberry, lime, cherry,